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Promotion and protection of human rights: implementation of human rights instruments

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

I. Introduction

1. The General Assembly, by its resolution 39/46, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. The General Assembly, by its resolution 57/199, adopted the Optional Protocol to the Convention. The Protocol was opened for signature on 4 February 2003. In accordance with its article 28, the Protocol entered into force on 22 June 2006, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

II. Implementation of the Convention

4. In its resolution 60/148, the General Assembly welcomed the work of the Committee against Torture and took note of its report.[1] The Assembly condemned in particular any action or attempt by States or public officials to legalize or authorize torture and other cruel, inhuman or degrading treatment or punishment under any

* A/61/150.

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 44* (A/60/44).

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circumstances, including on grounds of national security or through judicial decisions. It further urged States to take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, and stressed that all allegations of such treatment or punishment must be promptly and impartially examined and that perpetrators must be held responsible and severely punished. The Assembly recalled that States should not expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. It furthermore urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States to the Convention that had not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, to consider the possibility of withdrawing their reservations to article 20, and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; urged States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention; called upon the United Nations High Commissioner for Human Rights, in conformity with the mandate established in General Assembly resolution 48/141, to continue to provide, at the request of States, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance for the development, production and distribution of teaching material for that purpose; urged States parties to take fully into account the conclusions and recommendations of the Committee; and requested the Secretary-General to submit to the Commission on Human Rights at its sixty-second session and the General Assembly at its sixty-first session a report on the status of the Convention.

5. At the first session of the Human Rights Council, held from 19 to 30 June 2006, the President of the Council welcomed the entry into force, on 22 June 2006, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and recalled General Assembly resolution 60/148, in which the Assembly, inter alia, called upon States parties to give early consideration to signing and ratifying the Optional Protocol, which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment. He requested the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

III. Status of the Convention

6. As at 10 July 2006, the Convention had been ratified or acceded to by 141 States. In addition, 10 States had signed the Convention.[2]

7. Under article 21 of the Convention, a State party may at any time declare that it recognizes the competence of the Committee against Torture to receive and

[2] For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession see www.ohchr.org or www.un.org.

consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

8. As at 10 July 2006, 52 of the States parties to the Convention had made the declarations provided for in articles 21 and 22 of the Convention. In addition, four States parties had made the declaration provided for in article 21 only, thus bringing the total number of declarations under that article to 56. Six States parties had made the declaration provided for in article 22 only, thus bringing the total of declarations under that article to 58.[1]

9. The provisions of articles 21 and 22 entered into force on 26 June 1987, in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

10. As at 10 July 2006, 22 States had ratified or acceded to the Optional Protocol to the Convention. In addition, 33 States had signed the Protocol.

IV. Membership of the Committee against Torture

11. The membership of the Committee for 2006 is as follows:

Member	*Term expires on 31 December*
Essadia Belmir (Morocco)	2009
Guibril Camara (Senegal)	2007
Felice Gaer (United States of America)	2007
Luis Gallegos Chiriboga (Ecuador)	2007
Claudio Grossman (Chile)	2007
Alexander Kovalev (Russian Federation)	2009
Fernando Mariño Menéndez (Spain)	2009
Andreas Mavrommatis (Cyprus)	2007
Nora Sveaass (Norway)	2009
Wang Xuexian (China)	2009

12. The Committee against Torture held its thirty-fifth and thirty-sixth sessions at the United Nations Office at Geneva from 7 to 25 November 2005 and from 1 to 19 May 2006, respectively. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its sixty-first session.

[1] For the text of declarations and reservations, see www.ohchr.org or www.un.org.